Further misbranding, Section 502 (d), the *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the repackaged capsules bore no label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the repackaged *amphetamine phosphate tablets* failed to bear a label containing the common or usual name of the drug.

DISPOSITION: February 13, 1952. A plea of nolo contendere having been entered the court sentenced the defendant to 6 months in jail on count 1 and 6 months on each of the remaining 5 counts, the sentences on counts 2 to 6, inclusive, to run consecutively with the sentence on count 1.

3707. Alleged misbranding of Seconal Sodium capsules, dextro-amphetamine sulfate tablets, and sulfadiazine tablets. U. S. v. Isom Drug Co., Walter S. Isom, Sr., and William N. Patillo. Pleas of not guilty. Tried to the court. Verdict of not guilty. (F. D. C. No. 30026. Sample Nos. 70830–K to 70832–K, incl., 70834–K, 70835–K, 70837–K.)

INFORMATION FILED: February 13, 1951, Western District of Oklahoma, against the Isom Drug Co., a partnership, Oklahoma City, Okla., and against Walter S. Isom, Sr., a partner in the partnership, and William N. Patillo, a pharmacist employed by the partnership.

ALLEGED SHIPMENT: From the States of Indiana and New York into the State of Oklahoma, of quantities of *Seconal Sodium capsules*, *dextro-amphetamine sulfate tablets*, and *sulfadiazine tablets*.

ALLEGED VIOLATION: On or about April 22, 24, 25, and 28, and May 1, 1950, while the drugs were being held for sale at the Isom Drug Co. after shipment in interstate commerce, various quantities of the drugs were repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

The Isom Drug Co. and Walter S. Isom, Sr., were charged with causing the acts of relabeling and dispensing of the drugs involved in each of the 6 counts of the information; and, in addition, William N. Patillo was joined as a defendant in one of the counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), the repackaged *Seconal Sodium capsules* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (2), the repackaged *sulfadiazine tablets* failed to bear warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: The defendants filed a motion for a bill of particulars and a motion to quash the information, and on September 27, 1951, the court overruled such motions. Thereafter, the case came on for trial before the court upon the defendants' pleas of not guilty. On January 23, 1952, at the conclusion of the trial, the court returned a verdict of not guilty.

3708. Misbranding of pentobarbital sodium capsules. U. S. v. Maurice Booke (Del-Mor Pharmacy). Plea of guilty. Fine, $1,000. (F. D. C. No. 31259. Sample No. 88896–K).

INFORMATION FILED: December 3, 1951, Western District of New York, against Maurice Booke, trading as Del-Mor Pharmacy, Buffalo, N. Y.

INTERSTATE SHIPMENT: Between the approximate dates of July 31 and October 4, 1950, from the State of Illinois into the State of New York, of a quantity of *pentobarbital sodium capsules.*

ALLEGED VIOLATION: On December 4, 1950, while the drug was being held for sale after shipment in interstate commerce, the defendant caused a quantity of the drug to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drug being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drug failed to bear a label containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the repackaged capsules failed to bear a label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use.

DISPOSITION: December 18, 1951. A plea of guilty having been entered, the court fined the defendant $1,000.

3709. Misbranding of Dexedrine Sulfate tablets. U. S. v. Joe C. Nace. Plea of guilty. Defendant placed on probation for 3 years. (F. D. C. No. 31098. Sample Nos. 2856–L, 2883–L, 2887–L.)

INFORMATION FILED: October 8, 1951, Southern District of West Virginia, against Joe C. Nace, manager of the McDowell Pharmacy, War, W. Va.

INTERSTATE SHIPMENT: From the State of Tennessee into the State of West Virginia, of quantities of *Dexedrine Sulfate tablets.*

ALLEGED VIOLATION: On or about January 23 and March 6 and 13, 1951, while the tablets were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged tablets being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged tablets failed to bear a label containing a statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged tablets failed to bear adequate directions for use.

DISPOSITION: January 15, 1952. A plea of guilty having been entered, the court placed the defendant on probation for 3 years.